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In re Application of	:	
GRASSL, et al.	:	
Application No.: 09/926,447	:	DECISION ON REQUEST
PCT No.: PCT/EP00/03988	:	
Int. Filing Date: 04 May 2000	:	UNDER 37 CFR 1.42
Priority Date: 07 May 1999	:	
Attorney Docket No.: GRAS3004/JEK	:	
For: METHOD FOR HANDLING THINNED	:	
CHIPS FOR INTRODUCING THEN	:	
INTO CHIP CARDS	:	

This is a decision on the papers filed in United States Patent and Trademark Office (USPTO) on 18 March 2002, which are being treated as a request for acknowledgment of status under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 04 May 2000, applicant filed the international application, which claimed a priority date of 07 May 1999. A Demand for international preliminary examination in which the United States was elected was filed on 02 November 2000 prior to the expiration of 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 07 November 2001.

On 06 November 2001, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee; a translation of the International Application into English; a First Preliminary Amendment and five sheets of formal drawings. An executed oath or declaration of the inventors was not included.

On 17 December 2001, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date and providing a surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the earliest priority date. Applicant was afforded two months to file the proper reply

and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 18 March 2002, applicant filed the current papers which included a check for \$280.00 (\$40.00 assignment recording fee, \$130.00 surcharge for providing an oath or declaration later than thirty months from the priority date and \$110.00 as payment for a one-month extension of time); a petition for a one-month extension of time and a declaration/power of attorney executed by joint inventor Thomas GRASSL and Touba HAGHIRI-TEHRANI, Szahara HAGHIRI-TEHRANI, Mana HAGHIRI-TEHRANI as heirs of the deceased joint inventor Yahya HAGHIRI-TEHRANI. In addition, Touba HAGHIRI-TEHRANI executed the declaration as the parent of minor heir Sina HAGHIRI-TEHRANI. With the filing of the petition for a one-month extension of time and payment of the fee, in addition to 17 March 2002 being a Sunday, the papers are considered timely filed.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

“In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.”

The declaration filed 18 March 2002 is executed by Touba HAGHIRI-TEHRANI, Szahara HAGHIRI-TEHRANI and Mana HAGHIRI-TEHRANI as heirs of the deceased inventor, Yahya HAGHIRI-TEHRANI. However, neither the declaration nor the transmittal letter declares that they are all the heirs of the deceased. Thus, there may be other heirs who are required to sign the declaration. Therefore, the declaration can not be accepted at this time. Applicant is required to file a statement either from the heirs themselves or applicant's counsel setting forth that the individuals listed above represent all of the heirs of the deceased inventor, Yahya HAGHIRI-TEHRANI. In addition, said statement should set forth that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. Lastly, the declaration is not in compliance with 37 CFR 1.497 (a)-(b) in that it is unclear whether the declaration is setting forth the residence, post office address and country of citizenship of Yahya HAGHIRI-TEHRANI or the heirs as required under 37 CFR 1.497(b). The information must be provided for both the deceased joint inventor, Yahya HAGHIRI-TEHRANI and the surviving heirs.

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice.**

Applicants are hereby afforded TWO (2) MONTHS from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request

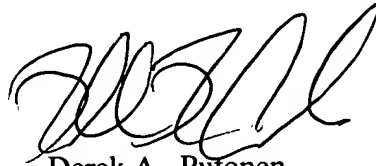
should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter directed to the attention of the PCT Legal Office.



FOR RICHARD COLE

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